

OUTER CONTINENTAL SHELF (OCS) PERMITTING IN EPA REGION 1

Issue:

- EPA Region 1's air permits branch is responsible for issuing air permits for offshore windfarms on the Atlantic OCS in a timely manner.

Background:

- EPA Region 1 could potentially issue OCS air permits to 9 or more offshore windfarms over the next decade. OCS air permits for two offshore wind projects, Vineyard Wind 1, and South Fork, are currently under development.

Ex. 5 Deliberative Process (DP)

- The Bureau of Ocean Energy Management (BOEM) is the lead NEPA agency for offshore windfarms currently being developed on the Atlantic OCS. EPA is a cooperating agency and relies on BOEM to fulfill consultation obligations for the air permitting action.

Key Points:

Ex. 5 Deliberative Process (DP)

Action Needed:

Ex. 5 Deliberative Process (DP)

Upcoming Milestones or Additional Information:

- Per longstanding practice and in order to continue cooperating effectively with federal agencies on the approval process for the construction of offshore windfarms on the Atlantic OCS, EPA Region 1 strives to issue OCS air permits to offshore windfarms within 90 days of the BOEM's Record of Decision (ROD) for the project.¹
- EPA Region 1 issued the final OCS air permit for the Vineyard Wind 1 windfarm on May 19, 2021.
- EPA Region 1 proposed the initial draft OCS air permit for the South Fork windfarm on June 24, 2021. The public comment period ended on August 9, 2021 and we only received one set of comments from the permittee. EPA anticipates reopening the comment period for an additional 30 days in October 2021 due to permit revisions that remove the offset requirements for construction emissions. The ROD for South Fork will tentatively be issued in October 2021 - EPA Region 1 plans to finalize the permit within 90 days of the ROD.

Point of Contact:

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¹ The "One Federal Decision" Executive Order (E.O. 13807: "Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects") mandating the 90-day joint concurrence period after the ROD, a decision period for federal agencies to finalize all permitting decisions and approvals for major infrastructure projects, was revoked by the Biden Administration on January 20, 2021. While awaiting further guidance from CEQ and OMB to replace "One Federal Decision", BOEM and EPA are cooperating in the same manner and under the same timeframes expected prior to the revocation of EO 13807 for offshore windfarms on the Atlantic OCS.